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FIRM and AFFILIATE OFFICES

SARAH FEHM STEWART
DIRECT DIAL: +1 973 424 2061
PERSONAL FAX: +1 973 556 1464
E-MAIL: sfstewart@duanemorris.com

www.duanemorris.com

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*A GCC REPRESENTATIVE OFFICE
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ALLIANCES IN MEXICO
AND SRI LANKA

September 13, 2017

VIA ECF

Hon. Brian Martinotti, U.S.D.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Building
& U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *PharmScript, L.L.C. v. St. Francis of Williamsville Nursing Home*
Civil Action No. 3:17-cv-05966
REFERENCE TO ARBITRATION

Dear Judge Martinotti:

This office represents Plaintiff PharmScript, L.L.C. (“PharmScript”) in the above-captioned action. We respectfully write to request that this action be removed from arbitration because it does not meet the criteria set forth by Local Civil Rule 201.1(d)(1) for compulsory arbitration – the relief sought is far in excess of \$150,000.

By way of background, PharmScript is a licensed pharmacy providing pharmaceutical services to nursing homes and other long term health care facilities. On May 5, 2015, PharmScript entered into a contract with Defendant St. Francis of Williamsville Nursing Home (the “Facility”) to provide pharmaceutical services. In exchange, the Facility agreed to make certain payments to PharmScript. Notwithstanding its agreement, the Facility failed to make payment as required by the contract. To date, at least \$549,531.75 is due and owing.

PharmScript filed this action against the Facility on August 9, 2017, seeking at least \$549,531.75 in compensatory damages.

On August 10, 2017, the Clerk referred this action to arbitration.

DUANE MORRIS LLP A DELAWARE LIMITED LIABILITY PARTNERSHIP

GREGORY R. HAWORTH, RESIDENT PARTNER

ONE RIVERFRONT PLAZA, 1037 RAYMOND BLVD., SUITE 1800
NEWARK, NJ 07102-5429

PHONE: +1 973 424 2000 FAX: +1 973 424 2001

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Pursuant to Local Civil Rule 201.1(d), PharmScript now requests that this action be removed from arbitration because it does not meet the criteria set forth by Local Civil Rule 201.1(d)(1) for compulsory arbitration. Specifically, the relief sought consists of money damages far in excess of \$150,000, exclusive of interest and costs and any claim for punitive damages. Local Civil Rule 201.1(d)(1) clearly states that the Clerk shall designate and process for compulsory arbitration only those civil actions where “the relief sought consists only of money damages not in excess of \$150,000 . . .”

Accordingly, PharmScript respectfully requests that this action be removed from arbitration. Thank You, Your Honor, for your consideration of this request.

Respectfully submitted,

/s/ Sarah Fehm Stewart

Sarah Fehm Stewart

SFS

cc: St. Francis of Williamsville Nursing Home (via regular and certified mail)